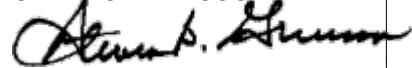


Exhibit “C”

Sam's West's Answer to Complaint



1 ANS
2 ROBERT K. PHILLIPS, ESQ.
3 Nevada Bar No. 11441
4 TIMOTHY D. KUHLS, ESQ.
5 Nevada Bar No. 13362
6 LATISHA ROBINSON, ESQ.
7 Nevada Bar No. 15314

8 **PHILLIPS, SPALLAS & ANGSTADT, LLC**
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16 *Attorneys for Defendant*
17 *Sam's West, Inc.*

18 **DISTRICT COURT**

19 **CLARK COUNTY, NEVADA**

20 AISHEH SAYED-AHMAD, individually,

21 Plaintiff,

22 v.

23 SAM'S WEST, INC., a Delaware Corporation
24 doing business as SAM'S CLUB; DOES I -V;
and ROE CORPORATIONS, VI - X, inclusive,

25 Defendants.

26 Case No.: A-21-843817-C
Dept No.: IV

27 **DEFENDANT SAM'S WEST, INC.'S**
ANSWER TO PLAINTIFF'S
COMPLAINT

28 COMES NOW, Defendant SAM'S WEST, INC. doing business as SAM'S CLUB (hereinafter
"Sam's Club" or "Defendant"), by and through its counsel of record, the law firm of PHILLIPS,
SPALLAS & ANGSTADT, LLC, and hereby submit the following Answer to Plaintiff AISHEH
SAYED-AHMAD'S (hereinafter "Plaintiff") Complaint, as follows:

29 1. Answering Paragraph 1 of Plaintiff's Complaint, Defendant lacks sufficient knowledge
30 or information upon which to base a belief as to the truth or falsity of the allegations contained therein
31 and, therefore, denies the same.

32 . . .

1 2. Answering Paragraph 2 of Plaintiff's Complaint, Defendant lacks sufficient knowledge
2 or information upon which to base a belief as to the truth or falsity of the allegations contained therein
3 and therefore denies the same. Further, Defendant asserts that said paragraph contains legal conclusions
4 that do not require a response. To the extent a response is required, Defendant denies.

5 3. Answering Paragraph 3 of Plaintiff's Complaint, Defendant admits.

6 4. Answering Paragraph 4 of Plaintiff's Complaint, Defendant lacks sufficient knowledge
7 or information upon which to base a belief as to the truth or falsity of the allegations contained therein
8 and, therefore denies the same. Defendant further asserts that the Nevada Rules of Civil Procedure do
9 allow Plaintiff an avenue to amend her Complaint. However, the Nevada Rules of Civil Procedure also
10 provide safeguards and limits on when and how Plaintiff may amend the same. Accordingly, Defendant
11 holds Plaintiff to this standard and expects Plaintiff will adhere to all rules.

12 5. Answering Paragraph 5 of Plaintiff's Complaint, Defendant lacks sufficient knowledge
13 or information upon which to base a belief as to the truth or falsity of the allegations contained therein
14 and therefore denies the same.

15 6. Answering Paragraph 6 of Plaintiff's Complaint, Defendant lacks sufficient knowledge
16 or information upon which to base a belief as to the truth or falsity of the allegations contained therein
17 and therefore denies the same. Further, Defendant asserts that said paragraph contains legal conclusions
18 that do not require a response. To the extent a response is required, Defendant denies.

19 7. Answering Paragraph 7 of Plaintiff's Complaint, Defendant lacks sufficient knowledge
20 or information upon which to base a belief as to the truth or falsity of the allegations contained therein
21 and, therefore denies the same.

22 8. Answering Paragraph 8 of Plaintiff's Complaint, Defendant lacks sufficient knowledge
23 or information upon which to base a belief as to the truth or falsity of the allegations contained therein
24 and, therefore denies the same.

25 9. Answering Paragraph 9 of Plaintiff's Complaint, Defendant lacks sufficient knowledge
26 or information upon which to base a belief as to the truth or falsity of the allegations contained therein
27 and, therefore denies the same.

28

10. Answering Paragraph 10 of Plaintiff's Complaint, Defendant asserts that said paragraph contains legal conclusions and thus does not require a response. To the extent said paragraph does require a response, Defendant denies.

11. Answering Paragraph 11 of Plaintiff's Complaint, Defendant asserts that said paragraph contains legal conclusions and thus does not require a response. To the extent said paragraph does require a response, Defendant denies.

FIRST CLAIM FOR RELIEF

(Negligence)

12. Answering Paragraph 12 of Plaintiff's Complaint, Defendant repeats and reasserts its answers to the allegations contained in Paragraphs 1 through 11 of Plaintiff's Complaint and incorporate the same herein by reference as though fully set forth verbatim.

13. Answering Paragraph 13 of Plaintiff's Complaint, Defendant asserts that said paragraph contains legal conclusions and thus does not require a response. To the extent said paragraph does require a response, Defendant denies.

14. Answering Paragraph 14 of Plaintiff's Complaint, Defendant asserts that said paragraph contains legal conclusions and thus does not require a response. To the extent said paragraph does require a response, Defendant denies.

15. Answering Paragraph 15 of Plaintiff's Complaint, Defendant asserts that said paragraph contains legal conclusions and thus does not require a response. To the extent said paragraph does require a response, Defendant denies.

16. Answering Paragraph 16 of Plaintiff's Complaint, Defendant denies the same.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff fails to state a claim or cause of action upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the Statute of Limitations.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrines of waiver, release, laches, unclean hands, and

equitable estoppel.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's alleged injuries and damages, as set forth in her Complaint, if any there were, were directly and proximately caused by forces of nature over which Defendant had no control.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff assumed whatever risks or hazards which existed at the time of the events alleged in her Complaint, and Plaintiff is, therefore, responsible for the injuries and damages suffered, if any there were.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's alleged injuries and damages, as set forth in her Complaint, if any there were, were caused in whole or in part by the negligence or conduct of third parties over which Defendant had no control.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's alleged injuries and damages, as set forth in her Complaint, if any there were, are not attributable to any act, conduct, or omission on the part of Defendant, their employees, or their agents.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff's action is barred and/or her recovery is diminished by Plaintiff's own contributory negligence and/or comparative fault due to Plaintiff's own failure to use reasonable care in protecting Plaintiff's own health. Plaintiff is not entitled to recovery from Defendant, in that any loss sustained by Plaintiff is the result of negligence or actionable fault on the part of Plaintiff.

NINTH AFFIRMATIVE DEFENSE

Plaintiff's negligence exceeds that of Defendant, if any, and Plaintiff is, therefore, barred from any recovery.

TENTH AFFIRMATIVE DEFENSE

Plaintiff's alleged injuries and damages, as set forth in her Complaint, if any there were, were pre-existing and/or caused by a subsequent accident or incident.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to mitigate any damages, and, thus, any recovery should be reduced

accordingly.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiff has voluntarily waived any potential rights against Defendant.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to name essential parties necessary for full and adequate relief in this action.

FOURTEENTH AFFIRMATIVE DEFENSE

Defendant complied with all applicable Nevada and Federal statutes, regulations, and codes at all relevant times stated in Plaintiff's Complaint.

FIFTEENTH AFFIRMATIVE DEFENSE

Defendant contends that if Plaintiff suffered any injuries or damages as a result of the conduct she attributes to Defendant, Defendant alleges that, prior to the incident giving rise to this action, Plaintiff was aware of the risks and hazards, if any, at the time and place of the incident; that whatever the conditions were at such time and place, they were obvious, discernible, and were in fact known to and by Plaintiff; and that Plaintiff nonetheless freely and voluntarily consented to assume and did assume these risks and hazards, if any there were.

SIXTEENTH AFFIRMATIVE DEFENSE

Defendant hereby incorporates by reference those Affirmative Defenses enumerated in Rule 8 of the Nevada Rules of Civil Procedure as if fully set forth herein. In the event further investigation or discovery reveals the applicability of any such defense, Defendant reserves the right to seek leave of Court to amend its Answer to specifically assert the same. Such defenses are herein incorporated by reference for the specific purpose of not waiving the same.

SEVENTEENTH AFFIRMATIVE DEFENSE

It has been necessary for Defendant to employ the services of an attorney to defend this action, and a reasonable sum should be allowed for attorney's fees, together with the costs expended in this action.

EIGHTEENTH AFFIRMATIVE DEFENSE

Defendant denies each and every allegation of Plaintiff's Complaint not specifically admitted, denied, or otherwise pled to herein.

NINETEENTH AFFIRMATIVE DEFENSE

Defendant hereby reserves the right to add additional affirmative defenses as discovery progresses.

TWENTIETH AFFIRMATIVE DEFENSE

Defendant hereby affirmatively plead the application of the several liability provisions of NRS 41.141, as there is an issue of *bona fide* contributory negligence.

TWENTY-FIRST AFFIRMATIVE DEFENSE

If it is found that Defendant is liable to Plaintiff for any injuries and damages of the type alleged, all of which are expressly and specifically denied, then Defendant is entitled to indemnification and/or contribution from any judgment over and against such other defendants that may be liable for all or part of any verdict or judgment against this answering Defendant, which was caused by the negligence and/or breach of contract of such other defendants, together with costs and disbursements of this action, including attorney's fees.

TWENTY-SECOND AFFIRMATIVE DEFENSE

15 Defendant hereby incorporates by reference those Affirmative Defenses enumerated in Nevada
16 Rule of Civil Procedure 12(b).

TWENTY-THIRD AFFIRMATIVE DEFENSE

18 Plaintiff failed to properly serve Defendant in that her service of process or the process itself
19 was insufficient, and Defendant reserves the right to move for dismissal of the instant action for want
20 of proper service by Plaintiff.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

22 Plaintiff has failed to properly include or join, under Nevada Rule of Civil Procedure 19,
23 indispensable parties without whom this matter cannot be properly adjudicated.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

25 Defendant hereby contends that the events, injuries, losses, and damages, if any there were,
26 complained of were the result of an unavoidable accident insofar as this answering Defendant is
27 concerned and said incident occurred without any negligence, want of care, or other breach of duty to
28 Plaintiff on the part of Defendant.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

To the extent that Plaintiff engaged in illegal activities during or pursuant to the subject incident, Plaintiff's claims are barred.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

Defendant contends that this Court lacks jurisdiction over the subject matter of this action and of each claim asserted therein.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

Defendant asserts that Plaintiff did not reasonably rely on any act, omission, or representation of Defendant.

PRAYER FOR RELIEF

WHEREFORE, Defendant pray for judgment as follows:

1. That Plaintiff take nothing by her Complaint;
2. That Plaintiff's Complaint be dismissed with prejudice as to Defendant;
3. That Defendant recover attorney's fees and costs incurred herein; and
4. For such other and further relief as this Court may deem just and proper under the circumstances.

DATED this 30th day of November, 2021.

PHILLIPS, SPALLAS & ANGSTADT, LLC

/s/ Latisha Robinson

ROBERT K. PHILLIPS, ESQ.
Nevada Bar No. 11441
TIMOTHY D. KUHLS, ESQ.
Nevada Bar No. 13362
LATISHA ROBINSON, ESQ.
Nevada Bar No. 15314
504 South Ninth Street
Las Vegas, Nevada 89101

*Attorneys for Defendant
Sam's West, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of November, 2021, I served a true and correct copy of the foregoing, **DEFENDANT SAM'S WEST, INC.'S ANSWER TO PLAINTIFF'S COMPLAINT**, as follows:

- By facsimile addressed to the following counsel of record, at the address listed below:
- By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- By Hand Delivery (ROC); and/or
- By Electronic Filing/Service Notification through Odyssey File & Serve to:

ATTORNEY OF RECORD	TELEPHONE/FAX	PARTY
JOSHUA L. BENSON, ESQ. Nevada Bar No. 10514 BENSON ALLRED 6250 N. Durango Drive Las Vegas, Nevada 89149	Phone: 702-820-0000 Fax: 702-820-1111	Plaintiff

/s/ Joshua J. Kephart

An Employee of PHILLIPS, SPALLAS & ANGSTADT, LLC